

March 3, 2022

**VIA ELECTRONIC SUBMISSION**

The Rules Docket (AGC 200)  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC. 20591

Re: Petition for the extension of Exemption No. 14580, Regulatory Docket No. FAA-2015-4015, Lone Star Flight Museum's Living History Flight Experience exemption which exempts Federal Aviation Regulations 91.9, 91.315, 119.5(g), and 119.21(a) for the operation of the Lone Star Flight Museum's B-25 and A-24B.

To Whom It May Concern:

Enclosed is a petition to grant the Lone Star Flight Museum a Living History Flight Experience exemption which provides relief from Federal Aviation Regulations 91.9, 91.315, 119.5(g), and 119.21(a) for the operation of our B-25 and A-24B. A previous exemption amendment filed on 11 February 21 to remove the B-17 which we no longer own and add the TBM-3E remains outstanding.

Very Truly yours,



Douglas H. Owens, Lt Gen (ret)  
President and Chief Executive Officer  
Lone Star Flight Museum

TO:

The Rules Docket (AGC 200)

Federal Aviation Administration

800 Independence Avenue, SW

Washington, DC. 20591

**PETITION FOR THE EXTENSION OF EXEMPTION NO. 14580**

**LONE STAR FLIGHT MUSEUM'S LIVING HISTORY**

**FLIGHT EXPERIENCE EXEMPTION WHICH EXEMPTS FEDERAL AVIATION  
REGULATIONS 91.9, 91.315, 119.5(G), AND 119.21(A) FOR THE OPERATION OF THE  
LONE STAR FLIGHT MUSEUM'S B-25 and A-24B.,**

**PETITIONERS:**

**LONE STAR FLIGHT MUSEUM  
11551 AEROSPACE AVE  
HOUSTON, TEXAS 77034**

## **PETITION SUMMARY**

The Lone Star Flight Museum (LSFM), a § 501(c) (3) non-profit educational museum, requests consideration for an extension of Exception No. 14580, Living History Flight Experience (LHFE) exemption. The LHFE exemption provides relief from Title 14 Code of Federal Regulations §§ 91.9, 91.315, 119.5(g), and 119.21(a) for the operation of the LSFM's B-25 (N333RW S/N 44-86734) and Douglas A-24B (N93RW, S/N 42-54682) aircraft. These aircraft represent two of the very rare North American B-25 Mitchell and Douglas SBD aircraft currently in airworthy condition. The LSFM wishes to provide historical flight experiences in these aircraft to its members and the general public. The B-25 is in the limited category while the SBD is certified in the experimental category.

We also request an allowance for the carriage of cargo for compensation or hire in the form of cremated human remains for the purpose of dispersal. The LSFM has received requests from family members of veterans and other individuals to spread the ashes of their loved ones from the B-25. We believe this is a meaningful tribute to many of our country's veterans is in the public interest and does not set a precedent as we were previously granted permission from the FAA to perform this activity. The LSFM will abide by local statutes and applicable FAA regulations regarding dropping of objects and/or cremated remains to ensure an equivalent level of safety.

### **REASON FOR PETITION**

The LSFM is a holder of an LHFE exemption and plans to offer flight experiences at events throughout the State of Texas as well as major aviation events around the country. Only qualified airmen are utilized in flight operations, and each is required to participate in initial and recurrent flight and ground training. Aircraft maintenance is accomplished pursuant to the applicable regulations and appropriate military technical orders. The LSFM has developed and instituted a Safety Management System (SMS), General Operations Manual, Pilot Qualifications and Training Manual and a General Maintenance Manual to provide enhanced safety measures to insure an equivalent level of safety for the public.

### **PUBLIC INTEREST**

The FAA has issued a grant of exemption or extension in circumstances similar in all material respects to those presented herein. In each case, the FAA found that preserving historic U.S. aircraft is in the public interest, in the same manner that preserving historic buildings, landmarks, and neighborhoods, has been determined to be in the public interest. While the aviation history can be represented with static displays in museums in the same manner that historic landmarks can be represented in museums, the public has shown a willingness to support the preservation and operation of historic aircraft and a desire to experience flights in them. Based upon that recognition and the assurances of safety set forth by the LSFM the extension of this Petition for Exemption, the scope of §§ 91.9, 91.315, 119.5(g), and 119.21(a), specific to the operation of the LSFM B-25 and A-24B aircraft, does not set a precedent with the FAA.

Likewise, the LSFM has previously been granted an exemption to disperse human remains from our B-25 aircraft. Aerial scattering of cremated human remains from our historic

aircraft is a unique and special tribute for veterans, first responders and other citizens. The LSFM has received numerous inquiries to disperse cremated remains. Currently, no other means of scattering human remains from a historic WWII bomber aircraft is available without an exemption. The LSFM will adhere to our LHFE manual system to ensure safety during these operations.

### **EQUIVALENT LEVEL OF SAFETY**

The LSFM is committed to the safe operation of the B-25 and A-24B aircraft. They both underwent restoration processes that encompassed nearly 25,000 total man hours prior to being returned to service. In order to preserve these aircraft to their restored condition, all aircraft are maintained at a level that meets or exceeds the regulations. Appropriate military tech orders are also included in the maintenance of the aircraft in order to assure safe operation of the aircraft.

Operational safety issues are a prime concern to the LSFM. The LSFM developed an SMS to foster and maintain a proactive safety culture. All pilots are required to meet or exceed the experience and training requirements specified in the LSFM General Operations Manual and Pilot Qualifications and Training Manual. All flight operations and ground and flight training are conducted in accordance with the Flight Manuals for the B-25 and A-24B aircraft as well the LSFM General Operations Manual and Pilot Qualifications and Training Manual. The Pilot-in-Command and Second-in-Command flight and ground school training requirements ensure safe operation of the aircraft.

The implementation of our manual systems which includes, the pilot training syllabus and the maintenance training requirements, demonstrate the requisite equivalent level of safety provided to individuals who participate in a flight experience and/or dispersal of cremated

human remains in all aircraft. The LSFM realizes these manuals are living documents and will regularly undergo a revision process as we operate in the future. We are striving to be a flagship operator and look forward to working with the FAA in the post moratorium era of the LHFE program.

The following summarizes LSFM's Equivalent Level of Safety (ELOS) in that it meets or exceeds the requirements of the FAA policy published on July 21, 2015:

A. The B-25 and A-24B are "Historically Significant":

- US Operated
- They are no longer in military service
- Fragile – Less than 35 B-25 aircraft are operational, and only 4 SBDs are known to be airworthy
- Age (B-25 was built in 1944 and the A-24B was built in 1943)
- No standard category aircraft exist for any of these aircraft.

B. Designation of a Responsible Person and Operational Control Structure

- The designations are found in the General Operations Manual.

C. Safety & Risk Analysis

- Operational safety issues are a prime concern to the LSFM. The LSFM has developed a Safety Management System (SMS) to foster and maintain a proactive safety culture.

D. Manual System

- LSFM has developed a manual system similar in terms of intent and scope of those in 14 CFR Part 135 to include:
  - LSFM General Operations Manual (GOM)

- LSFM Pilot Qualifications and Training Manual
- LSFM SMS Manual
- LSFM General Maintenance Manual.
- LSFM Approved Inspection Program (AIP) including, but not limited to:
  - Review of previously approved AIPs as provided by 14 CFR 91.415
  - Maintenance training elements.
  - Replacement plan for time-limited parts or development of an on-condition inspection program for such parts.
  - Aging aircraft inspection program.
  - Corrosion inspection program.
  - Continued Operational Safety (COS).

E. LSFM prohibits the following for LHFE flight operations, as stated in the General Operations Manual:

- Flight training
- Aerobatics
- Passenger manipulation of the flight controls.
- Formation flights
- Skydiving

Based upon the foregoing, the LSFM requests the FAA to grant our petition for extension of Exemption No. 14580 for LHFE for the operation of its B-25 and A-24B aircraft.

**LONE STAR FLIGHT MUSEUM**

Dated: March 3, 2022

By: 

Douglas H. Owens, President and CEO

**Lone Star Flight Museum  
11551 Aerospace Ave  
Houston, Texas 77034**